



Docket No. 031794-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: )  
Hirohisa TANABE, *et al.* ) Group Art Unit: not yet assigned  
Serial No. 10/663,977 )  
Filed: September 17, 2003 ) Examiner: not yet assigned  
For: **METHOD, SYSTEM AND** )  
**COMPUTER PROGRAM** ) Confirmation No.: 1949  
**PRODUCT FOR TECHNICAL** )  
**MANAGEMENT AND** )  
**BIOCONTROL OF DISEASE IN** )  
**ANIMAL PRODUCTION** )  
**SYSTEMS** )

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or being facsimile transmitted to the USPTO at (703) 308-6916, on March 2004.

Angelique Graham

**PETITION UNDER 37 C.F.R. § 1.47(a) REGARDING**  
**NON-SIGNING INVENTOR GEORGE FUKUTOMI**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Non-Provisional Application of December 10, 2003, the Applicants have filed on even date herewith a Declaration and Power of Attorney For Patent Application Japanese Language Declaration, hereafter "Declaration", executed by Hirohisa Tanabe, Hirofumi Odaguchi and Shinji Hiratsuka. However, for the reasons elaborated upon in the attached Declaration and Statement of Facts in Support of Petition Under 37 CFR § 1.47(a), the fourth inventor

03/11/2004 EFLDRES 00000121 192380 10663977

04 FC:1460 130.00 DA

- 2 -

George Fukutomi is unavailable to execute the Declaration. The petitioner respectfully requests acceptance of the above identified application, filed September 17, 2003, under the provisions of 37 C.F.R. 1.47(a), since the non-signing inventor, Mr. George Fukutomi, is unavailable sign the Declaration even after a diligent effort to provide the non-signing inventor with a copy of the Declaration.

The Petitioner notes that the Declaration and Statement of Facts in Support of Petition Under 37 CFR § 1.47(a) clearly sets forth that the Assignee, Oki Electric Industry Co., Inc, through its General Manager Mr. Fumitaka Yokoyama forwarded a copy of the attached Declaration to Mr. Fukutomi on October 10, 2003 for his signature. However, as can be seen from the Exhibit A and B, attached to the Declaration and Statement of Facts in Support of Petition Under 37 CFR § 1.47(a), the Declaration was not delivered to Mr. Fukutomi since he was no longer a resident at that address and a forwarding address was not left by Mr. Fukutomi. Additionally, contact by telephone was no longer possible since the telephone at the last known address was disconnected as well.

The Petitioner hereby asserts that the above statement of facts and evidence clearly establishes that Mr. Fukutomi was/is unavailable to sign the Declaration sent to him.

For these reasons, it is requested that the executed Declaration and Power of Attorney For Patent Application Japanese Language Declaration, executed by Hirohisa Tanabe, Hirofumi Odaguchi and Shinji Hiratsuka, filed on even date herewith, be accepted for purposes of a complete application filing under 35 U.S.C. 111 and 37 C.F.R. 1.51(b)(2).

As required, Mr. Fukutomi's last known address is:


George Fukutomi  
7-9-5, Takayanagi, Neyagawa, Osaka, Japan 572-0051  
Telephone: 072-830-7607

- 3 -

The Commissioner is hereby authorized to charge the appropriate petition fee and any other fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 19-2380 (031794-3). This paper is submitted in duplicate.

Respectfully submitted,

**NIXON PEABODY, LLP**

By:   
Donald R. Studebaker  
Registration No. 32,815

NIXON PEABODY LLP  
401 9<sup>th</sup> Street, N.W., Suite 900  
Washington, DC 20004-2128  
Office: (202) 585-8000  
Facsimile: (202) 585-8080

DRS/JWM